

**REMARKS**

The Examiner is thanked for the careful review of the application as set forth in the outstanding office action. Reconsideration of the application in view of the foregoing amendments and the following discussion is respectfully requested.

A request for continued prosecution is being filed herewith. According, the foregoing amendments should be entered.

In the office action mailed August 14, 2006, Claims 19-21, 30-33 and 39-46 were rejected as being unpatentable over Wendell (5616239) in view of Hunter (6,363,422). Claims 19-21, 30-31, 39-40, 43-44 have been amended, Claims 45-46 have been cancelled, and new Claims 49-53 have been added. Applicants respectfully submit that the foregoing amendments have mooted the rejection.

Amended Claim 19 is drawn to an apparatus for remotely monitoring and controlling water parameters in a pool or spa bathing installation including a recirculating water flow path, comprising:

- a plurality of sensors for monitoring of a plurality of bathing installation parameters;

- an on board electronic pool/spa control system operatively connected to a bathing installation water pump for circulating water through the recirculating water flow path and a water heater, said control system in electrical communication with said sensors for receiving data signals indicative of the monitored water installation parameters, said control system configured to selectively generate control signals to one or more bathing installation control devices including said pump and said heater to affect a change in said bathing installation parameters;

a remote web server;

a dedicated network interface circuit;

a data communication link between said on board electronic pool/spa control system and said dedicated network interface circuit for carrying data signals and command signals; and

wherein said dedicated network interface circuit is adapted to provide a web-based internet connection to said remote web server for transmitting said data signals to said remote web server for collection, storage and processing on said remote web server, and for transmitting commands received from said remote web server to said on board electronic pool/spa control system for controlling said bathing installation control devices.

Amended Claim 19 is fully supported by applicants' specification. For example, a dedicated network interface circuit is described at paragraphs 0029 and 0037, and depicted in FIG. 1 as circuit 60. See also FIGS. 2 and 7A.

Applicants respectfully submit that the subject matter of amended Claim 19 is not taught or suggested by any proper combination of Wendell and Hunter. In this regard, Hunter is non-analogous subject matter, and should not be applied in any obviousness determination. Hunter is directed to facilities management systems for managing building, campus and multi-location environments, to manage the operational disciplines of environmental systems, electrical and power distribution systems, security systems, and health/safety and fire protection systems (1:11-17). "In order to rely on a reference as a basis for rejection of an applicant's invention, the reference must either be in the field of applicant's endeavor or, if not, then be reasonably pertinent to the particular problem with which the inventor was concerned." *In re Oetiker*, 977 F.2d 1443, 1446, 24 USPQ2d 1443, 1445 (Fed. Cir. 1992). See also *In re Deminski*, 796 F.2d 436, 230 USPQ 313 (Fed. Cir. 1986). MPEP 2141.01(a).

Hunter is not in the field of applicants' endeavor of the subject matter of the pending claims, and is not pertinent to control and monitoring of a pool or spa. For these reasons, Hunter should not be considered as a basis for rejection of Claim 19.

Wendell does not teach the use of a network interface for providing a network connection to a remote server, as the Examiner has acknowledged at page 2 of the office action. Moreover, it does not appear that Wendell describes an on board electronic pool/spa control system. The Wendell control system includes what appears to be personal computer system, with a CPU such as a 386 processor, a monitor 114, keyboard 116, as well as a printer 117. Wendell at 4:24-36. This could hardly be considered an on board electronic control system for a pool or spa.

Even assuming (without conceding that it is appropriate to do so) that Hunter is considered, there would be no motivation to modify Wendell to arrive at the subject matter of Claim 19. The Examiner has stated that it would have been obvious to incorporate the teachings of Hunter into Wendell so as to provide a way of minimizing the computations of the local computer system. Yet this would lead to gutting the functionality of the controller system of the pool or spa, whose purpose is to control the different elements of a pool or spa system. And if an on board control system did not retain the capability to monitor and control, then the risk of failure due to communication link problems with the remote server would be a detriment. Thus, it would seem that the motivation alleged by the Examiner for the combination is the product of attempted hindsight reconstruction, rather than a motivation which flows from the reference teachings.

Similar considerations would apply to the other amended independent claims.

Amended Claim 30 is drawn to a method for remotely monitoring and controlling a pool or spa bathing installation including a recirculation water flow path and an on board electronic pool/spa control system, comprising:

collecting bathing installation status and parameter data regarding the pool or spa bathing installation at the on board electronic pool/spa control system;

providing a data communication link between the on board electronic pool/spa control system and a dedicated network interface circuit adapted to provide an internet connection;

transmitting the bathing installation status and parameter data over said data communication link and over said internet connection from said to a remote web server for storage and processing at the remote web server;

accessing the remote web server by a remote device connected to the internet to access the bathing installation status and parameter data; and

transmitting control commands from the remote web server to the on board electronic pool/spa control system through the internet, the dedicated network interface circuit and the data communication link to direct the on board pool/spa electronic control system to affect a change in said bathing installation status.

Support for the subject matter of Claim 30 is found in applicants' specification, e.g. at paragraphs 0028 and 0036 (regarding providing a data communication link between the on board electronic pool/spa control system and a dedicated network interface circuit), paragraph 0053 and FIGS. 7A, 7B (regarding accessing the remote web server and transmitting control commands).

Amended Claim 39 is drawn to a method of monitoring and controlling pool water parameters over the Internet, including:

monitoring said water parameters at said pool by a web-enabled on board electronic pool control system, and detecting an error condition in at least one water parameter range;

transmitting said parameters to a web server connected to the Internet at a selectable interval;

storing said parameters on said web server;

making a connection request to the web server from a browser running on a remote device connected to the internet, and authenticating the connection request by entry of a uniquely assigned password for the pool;

viewing said parameter information stored on said web server on the remote device;

transmitting a command from the remote device to said web server in response to said viewing;

transmitting a command from said web server to said web-enabled on board electronic pool control system at said pool to cause one or more items of pool equipment to take a desired action affecting said water parameter; and

generating from said web server or said web-enabled on board electronic pool control system or both said web server and said web-enabled on board electronic pool control system an error alert when said water parameter is outside said range.

Support for the subject matter of Claim 39 is found in applicants' specification, e.g. at FIGS. 2 and 7A (regarding monitoring the water parameters at the pool by a web-enabled on board electronic pool control system), paragraph 0046 (regarding making a connection request to the web server from a browser running on a remote device connected to the internet, and authenticating the connection request by entry of a uniquely assigned password for the pool).

Claim 40 is drawn to a method for remotely monitoring and controlling water parameters in a bathing installation including a recirculating water flow path, a pump

for pumping water through the water flow path and a heater for heating water, comprising:

- providing a sensor for monitoring a water installation parameter;

- providing an on board electronic bathing installation control system in communication with said sensor for receiving data signals indicative of the monitored water parameter, said control system configured to selectively generate control signals to control a device related to said parameter;

- providing a remote web server;

- providing a remote control device; and

- providing a dedicated network interface circuit for providing an internet connection between said remote web server and said electronic bathing installation control system;

- wherein implementation of the method comprises the steps:

- i) transmitting data related to said water parameter from said network interface circuit to said remote web server for collection and storage;

- ii) making a connection request to the web server from a browser running on said remote device connected to the internet, and authenticating the connection request by entry of a uniquely assigned password for the bathing installation, and viewing said data related to said water parameters by said remote control device;

- iii) transmitting a command from said remote control device to said remote web server in response to said viewing;

- (iv) transmitting said command from said remote server to said electronic bathing installation control system for controlling said electronic bathing installation control system to affect a change in said parameter.

Applicants respectfully submit that each of these amended claims, as well as the claims depending therefrom, is in condition for allowance.

New Claims

New Claims 48-53 have been added, and are also in condition for allowance.

Claim 48 is drawn to a method of monitoring and controlling a spa or pool system remotely, comprising:

- establishing a data link between a home computer network and an electronic controller of the spa or pool system;

- establishing an internet connection between a remote web server and the electronic controller through the home network;

- transferring data indicative of operational and diagnostic information of the spa or pool system from the electronic controller via the internet connection to the remote web server for storage and processing;

- establishing an internet connection between the remote web server and a remote computer station or web enabled remote control device;

- logging into the remote web server using the remote computer station;

- viewing said uploaded data using a graphical user interface on a display device at the remote computer site or web enabled remote control device by a spa user, spa owner or spa service personnel, said uploaded data including data representative of real time and historical operational data regarding the monitored spa or pool system; and

- transmitting commands from said remote computer station or the web enabled remote control device through said remote web server and said home computer network to said electronic controller to cause the electronic controller to control one or more spa or pool devices or a water parameter of the spa or pool.

Claim 48 is fully supported by applicants' specification, e.g., in FIGS. 2 and 7A-7C.

Wendell does not disclose any of the steps of Claim 48.

Claims 49-52 depend from Claim 48, and further define the method recited in Claim 48. These claims are fully supported by applicants' specification, e.g. at FIGS. 7A-7C.

Claim 53 depends from Claim 19, and is fully supported by applicants' specification, e.g. at paragraph 0036.

The features recited in the new dependent claims are not described, taught or suggested by the art of record.

### **CONCLUSION**

The application is in condition for allowance, all pending rejections having been addressed by the foregoing amendments and remarks. Such favorable reconsideration is solicited.

Respectfully submitted,

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